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The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE SUBPOENA TO
JIMMY NGUYEN

IRA KLEIMAN, as the personal
representative of the Estate of David
Kleiman, and W&K Info Defense Research,
LLC,

Plaintiffs,

v.

CRAIG WRIGHT,

Defendant.

Case No. 2:20-cv-00593-BJR

**SECOND DECLARATION OF
VELVEL (DEVIN) FREEDMAN IN
SUPPORT OF PLAINTIFFS' MOTION
TO COMPEL COMPLIANCE WITH
SUBPOENA**

NOTED ON MOTION CALENDAR:
April 24, 2020

SECOND DECLARATION OF VELVEL (DEVIN)
FREEDMAN IN SUPPORT OF PLAINTIFFS' MOTION
TO COMPEL COMPLIANCE WITH SUBPOENA
(Case No. 2:20-cv-00593-BJR)

ROCHE CYRULNIK FREEDMAN LLP
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MIAMI, FL 33131
TEL.: (305) 753-3675

DECLARATION

1. I am an attorney for Plaintiffs Ira Kleiman, as the personal representative of the Estate of David Kleiman, and W&K Info Defense Research, LLC (collectively, "Plaintiffs"). I am admitted to practice in the U.S. Supreme Court, Florida, District of Columbia, U.S. Courts of Appeals for the Ninth and Eleventh Circuits, and all U.S. District Courts in Florida.

2. I am over the age of eighteen. The statements in this declaration are based on my personal knowledge and they are true and accurate to the best of my knowledge and belief. I make this declaration in support of Plaintiffs' Motion to Compel Compliance with Subpoena.

3. Attached hereto as Exhibit 1 is a true and correct copy of Plaintiffs' Expedited Motion for Enlargement of Time of Expert Related Deadlines and for Extension of Time to Complete Three Fact Witness Depositions, *Ira Kleiman et al. v. Craig Wright*, No. 9:18-cv-80176-BB (S.D. Fla. March 24, 2020), ECF No. 436.

4. Attached hereto as Exhibit 2 is a true and correct copy of the Order Amending Scheduling Order, *Ira Kleiman et al. v. Craig Wright*, No. 9:18-cv-80176-BB (S.D. Fla. Mar. 26, 2020), ECF No. 441.

5. Attached hereto as Exhibit 3 is a true and correct copy of the Joint Discovery Memorandum, *Ira Kleiman et al. v. Craig Wright*, No. 9:18-cv-80176-BB (S.D. Fla. Apr. 7, 2020), ECF No. 449.

6. Attached hereto as Exhibit 4 is a true and correct copy of the Order granting in part and denying in part the parties' Joint Motion for Discovery, *Ira Kleiman et al. v. Craig Wright*, No. 9:18-cv-80176-BB (S.D. Fla. Apr. 9, 2020), ECF No. 451.

1 7. Attached hereto as Exhibit 5 is a true and correct copy of the Order on Plaintiffs'
2 Motion to Compel, *Ira Kleiman et al. v. Craig Wright*, No. 9:18-cv-80176-BB (S.D. Fla. Aug.
3 27, 2019), ECF No. 277.

4 8. Attached hereto as Exhibit 6 is a true and correct copy of the Order affirming in
5 part and reversing in part the Order on Plaintiffs' Motion to Compel, *Ira Kleiman et al. v. Craig*
6 *Wright*, No. 9:18-cv-80176-BB (S.D. Fla. Jan. 10, 2020), ECF No. 373.

7 9. Attached hereto as Exhibit 7 is a true and correct copy of the Order granting in
8 part Plaintiffs' Motion for Ninety Day Extension of Pretrial Deadlines and for Continuance of
9 Trial Date, *Ira Kleiman et al. v. Craig Wright*, No. 9:18-cv-80176-BB (S.D. Fla. Jan. 16, 2020),
10 ECF No. 382.

11 10. Attached hereto as Exhibit 8 is a true and correct copy of a compilation of
12 Affidavits of Attempted Service and an Affidavit of Service that Plaintiffs received from their
13 process servers on April 8, 2020. The Affidavit of Service, which is on page 3, indicates that the
14 Subpoenas were left at Mr. Nguyen's door on April 3, 2020, along with the necessary fees. The
15 Affidavit of Attempted Service on page 1 indicates that a woman at Mr. Nguyen's home refused
16 to accept service of the Subpoenas on March 25, 2020.

17 11. Attached hereto as Exhibit 9 is a true and correct copy of an additional Affidavit
18 of Attempted Service that Plaintiffs received from their process servers on April 14, 2020.

19 12. Attached hereto as Exhibit 10 is a true and correct copy of an email sent by
20 Plaintiffs' counsel on April 8, 2020, transmitting the Subpoenas to three email addresses that
21 Plaintiffs believed were controlled and used by Mr. Nguyen, including an
22 @bitcoinassociation.net email address.

1 13. Attached hereto as Exhibit 11 is a true and correct copy of Plaintiffs' counsel's
2 March 29, 2020, tweet serving the Subpoenas on Mr. Nguyen.

3 14. Attached hereto as Exhibit 12 is a true and correct copy of a certified mail receipt
4 and tracking information showing delivery of the Subpoenas on April 1, 2020 to Mr. Nguyen's
5 last known address.

6 15. Attached hereto as Exhibit 13 is a true and correct copy of a certified mail receipt
7 and tracking information showing delivery of the Subpoenas on April 9, 2020 to Mr. Nguyen's
8 last known address. The Subpoenas were sent on April 7, 2020.

9 16. Attached hereto as Exhibit 14 is a true and correct copy of a receipt demonstrating
10 that, at the same time that Plaintiffs sent the Subpoenas to Mr. Nguyen by certified mail on April
11 7, 2020, Plaintiffs also sent the Subpoenas to Mr. Nguyen by regular U.S. mail.

12 17. Attached hereto as Exhibit 15 is a true and correct copy of a table prepared by
13 Plaintiffs that counts the number of tweets and retweets on Mr. Nguyen's twitter page,
14 @JimmyWinMedia, <https://twitter.com/jimmywinmedia?lang=en>, over the period from February
15 29, 2020 to April 23, 2020. Mr. Nguyen's twitter page does not show any tweets or retweets
16 from him over the period from March 30, 2020 to April 23, 2020.

17 18. On April 7, 2020, Plaintiffs' attorney requested that Mr. Nguyen's attorney accept
18 service of the Subpoenas on behalf of Mr. Nguyen. Mr. Nguyen's attorney stated that he did not
19 have authorization from his client to do so.

20 I declare the foregoing statements to be true under the penalties of perjury.
21

22 Dated: April 24, 2020

/s/ *Velvel (Devin) Freedman*
Velvel (Devin) Freedman, Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 24, 2020, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ VELVEL FREEDMAN
VELVEL (DEVIN) FREEDMAN